ESTTA Tracking number:

ESTTA602291 05/05/2014

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| Proceeding | 91213391 |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Party | Plaintiff GWIL Industries Inc. |
| Correspondence Address | KEVIN M HAYES KLARQUIST SPARKMAN LLP 121 SW SALMON STREET, SUITE 1600 PORTLAND, OR 97204 UNITED STATES kevin.hayes@klarquist.com, ptotmdocket@klarquist.com |
| Submission | Other Motions/Papers |
| Filer's Name | Kevin M. Hayes |
| Filer's e-mail | ptotmdocket@klarquist.com, kevin.hayes@klarquist.com |
| Signature | /Kevin M. Hayes/ |
| Date | 05/05/2014 |
| Attachments | NOTICE OF SCHEDULING MIS-CALCULATION .pdf(42482 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| GWIL Industries Inc., |) |
|-------------------------------------------|--------------------------------------------------------------------------|
| Opposer, |)) NOTICE OF SCHEDULING |
| V. |) MIS-CALCULATION |
| Birtley Industrial Equipment Corporation, |) Opposition No.: 91213391) App. No. 85806354 |
| Applicant. |) |

NOTICE OF SCHEDULING MIS-CALCULATION

The Board issued a Notice of Default in this case on May 2, 2014, indicating that Applicant had failed to Answer. However, according to the Board's Scheduling Order of January 13, 2014, Applicant's deadline to Answer is May 10, 2014.

DATE: May 5, 2014

Ву

Kevin M. Hayes

Klarquist Sparkman, LLP

One World Trade Center, Suite 1600

121 S.W. Salmon Street Portland, Oregon 97204

Telephone: (503) 226-7391

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 5, 2014, a true copy of the foregoing **NOTICE OF SCHEDULING MIS-CALCULATION** was served on Applicant at the Correspondence Address listed for the Opposed Application by first class mail, postage prepaid, to:

Birtley Industrial Equipment Corporation 2333 Innovation Dr. Lexington, Kentucky 40511-8514 United States